

**REMARKS/ARGUMENTS**

The present application contains claims 1, 2, 7 and 30. Claims 3-6 and 8-29 have been cancelled. Claims 1, 7 and 30 have been amended.

Making reference to the Office Action Summary, it is noted that the Office Action is non-final and has set a three-month response period. It is submitted that this Amendment has been timely filed.

Making reference to the Detailed Action, it is noted that claims 1, 2, 7 and 30 have been examined.

**Claim Rejections - 35 U.S.C. §103**

Claims 1, 2, 7 and 30 have been rejected under 35 U.S.C. §103(a) as unpatentable over Aditya Khosla et al. (U.S. Patent No. 6,202,061) (hereinafter, "Khosla et al.") and Hiroyuki Tokiwa et al. (Japanese Patent Publication No. 2000-298467 A) (hereinafter, "Tokiwa et al."). This rejection is respectfully traversed.

**Telephonic Interview**

Applicant thanks Examiner Haoshian Shih for the courtesy of granting a telephone interview conducted April 30, 2009 and for the helpful suggestions put forth by the Examiner (see Interview Summary dated May 5, 2009) in order to expedite the prosecution of this application.

The "automatic scaling capability" pointed out by the Examiner in the Interview Summary is described in detail in the specification of the present application. Making reference to paragraphs [0301] and [0302] on page 17 of U.S. Patent Application Publication (US 2004/0175764 A1), after images are brought into the comparison area 251 and displayed, the comparative display means 225 automatically enlarges or reduces a plurality of images in the comparison area 251

to set each image to a proper size so that the images are easily compared to each other (see the text in the specification referring to step S275 in Fig. 30).

Neither Khosla et al. nor Tokiwa et al., taken alone or in combination, teach or even remotely suggest this capability, which is now recited in amended claim 1 and for these reasons it is submitted that claim is patentable over Khosla et al. taken with Tokiwa et al. Tokiwa et al. is limited to teaching simultaneous zooming, and magnification of both images being compared and fails to teach setting two or more images to a proper size.

Claim 2 depends from claim 1 and is thus patentable over Khosla et al. taken with Tokiwa et al.

Claim 7 recites substantially the same limitations as claim 1 in method step form and is thus patentable over Khosla et al. taken with Tokiwa et al.

Claim 30 depends from claim 7 and is thus patentable over Khosla et al. taken with Tokiwa et al.

In view of the foregoing, it is submitted that claims 1, 2, 7 and 30 patentably distinguish over Khosla et al. taken with Tokiwa et al. and reconsideration and allowance of these claims are earnestly solicited.

### **Conclusion**

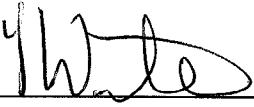
If the Examiner believes that any additional minor formal matters need to be addressed in order to place this application in condition for allowance, or that a telephone interview will help to materially advance the prosecution of this application, the Examiner is invited to contact the undersigned by telephone at the Examiner's convenience.

**Applicant:** Nishiyama et al.  
**Application No.:** 10/725,791

In view of the foregoing amendment and remarks, Applicants respectfully submit that the present application, including claims 1, 2, 7 and 30, is in condition for allowance and a notice to that effect is respectfully requested.

Respectfully submitted,

Nishiyama et al.

By \_\_\_\_\_  
Louis Weinstein  
Registration No. 20,477

Volpe and Koenig, P.C.  
United Plaza, Suite 1600  
30 South 17th Street  
Philadelphia, PA 19103  
Telephone: (215) 568-6400  
Facsimile: (215) 568-6499

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